

## Environmental Protection Agency

## § 52.170

(13) *Exceptions for maintenance scheduling.* The owner or operator shall conduct a full 6 unit-weeks of maintenance in accordance with the plan required in paragraph (d)(12) of this section unless the owner or operator can demonstrate to the satisfaction of the Administrator that a full 6 unit-weeks of maintenance during the November 1 to March 15 period should not be required because of the following:

(i) There is no need for 6 unit-weeks of scheduled periodic maintenance in the year covered by the plan;

(ii) The reserve margin on any electrical system served by the Navajo Generating Station would fall to an inadequate level, as defined by the criteria referred to in paragraph (d)(12) of this section.

(iii) The cost of compliance with this requirement would be excessive. The cost of compliance would be excessive when the economic savings to the owner or operator of moving maintenance out of the November 1 to March 15 period exceeds \$50,000 per unit-day of maintenance moved.

(iv) A major forced outage at a unit occurs outside of the November 1 to March 15 period, and necessary periodic maintenance occurs during the period of forced outage.

If the Administrator determines that a full 6 unit-weeks of maintenance during the November 1 to March 15 period should not be required, the owner or operator shall nevertheless conduct that amount of scheduled maintenance that is not precluded by the Administrator. Generally, the owner or operator shall make best efforts to conduct as much scheduled maintenance as practicable during the November 1 to March 15 period.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 56 FR 50186, Oct. 3, 1991; 61 FR 14975, Apr. 4, 1996]

### § 52.146 Particulate matter (PM-10) Group II SIP commitments.

(a) On December 28, 1988, the Governor's designee for Arizona submitted a revision to the State Implementation Plan (SIP) for Casa Grande, Show Low, Safford, Flagstaff and Joseph City, that contains commitments, from the Director of the Arizona Department of Environmental Quality, for imple-

menting all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM-10 Group II SIPs.

(b) The Arizona Department of Environmental Quality has committed to comply with the PM-10 Group II State Implementation Plan (SIP) requirements for Casa Grande, Show Low, Safford, Flagstaff and Joseph City as provided in the PM-10 Group II SIPs for these areas.

(c) On December 28, 1988, the Governor's designee for Arizona submitted a revision to the State Implementation Plan (SIP) for Ajo, that contains commitments from the Director of the Arizona Department of Environmental Quality, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM-10 Group II SIPs.

(d) The Arizona Department of Environmental Quality has committed to comply with the PM-10 Group II State Implementation Plan (SIP) requirements.

[55 FR 17437, Apr. 25, 1990 and 55 FR 18108, May 1, 1990]

### § 52.150 Yavapai-Apache Reservation.

(a) The provisions for prevention of significant deterioration of air quality at 40 CFR 52.21 are applicable to the Yavapai-Apache Reservation, pursuant to § 52.21(a).

(b) In accordance with section 164 of the Clean Air Act and the provisions of 40 CFR 52.21(g), the Yavapai-Apache Indian Reservation is designated as a Class I area for the purposes of preventing significant deterioration of air quality.

[61 FR 56470, Nov. 1, 1996]

## Subpart E—Arkansas

### § 52.170 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Arkansas under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d) and (e) of this section with an EPA approval date prior to July 1 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c), (d) and (e) of this section with EPA approval dates after July 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in

the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202-2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460; or at the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(c) *EPA approved regulations.*

EPA APPROVED REGULATIONS IN THE ARKANSAS SIP

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
<b>Regulations of the Arkansas Plan of Implementation for Air Pollution Control</b>				
Section 1 .....	Title .....	06/30/75	10/05/76, 41 FR 43904	Ref 52.200(c)(04).
Section 2 .....	Purpose .....	06/30/75	10/05/76, 41 FR 43904	Ref 52.200(c)(04).
Section 3 .....	Definitions .....	03/25/88	05/01/89, 54 FR 18494	Ref 52.200(C)(27).
Section 4 .....	Permits .....	03/25/88	05/01/89, 54 FR 18494	Ref 52.200(c)(27).
Section 5 .....	Emission Limitations Applicable to New or Modified Equipment.	05/22/87	02/23/89, 54 FR 07764	Ref 52.200(c)(26) Dispersion techniques for Federal stack height requirements.
Section 6 .....	Upset Conditions, Revised Emission Limitations.	07/11/79	08/27/81, 46 FR 43145	Ref 52.200(c)(11).
Section 7 .....	Sampling and Monitoring Requirements.	07/11/79	08/27/81, 46 FR 43145	Ref 52.200(c)(11).
Section 8 .....	Compliance Schedules and Emission Limitations Applicable to Existing Equipment.	06/29/81	01/12/82, 47 FR 01291 and.	Ref 52.200(c)(16).
		09/11/81	01/14/82, 47 FR 02113	Ref 52.200(c)(14).
Section 8.1 .....	Designated Facilities ...			Variance for a specific facility. Section 8.1 is NOT in the SIP, but is part of the Federally approved Arkansas 111(d) Plan. See 40 CFR Part 62, Subpart E, for status of Arkansas 111(d) Plans.
Section 9 .....	Severability .....	06/30/75	10/05/76, 41 FR 43904	Ref 52.200(c)(04).
Section 10 .....	Effective date (June 30, 1975).	06/30/75	10/05/76, 41 FR 43904	Ref 52.200(c)(04).
<b>Arkansas Regulation No. 9: Permit Fees</b>				
Section 1 .....	Purpose .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 2 .....	Short Title .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 3 .....	Definitions .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 4 .....	Applicability .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 5 .....	Maximum Fees .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 6 .....	Retroactivity .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 7 .....	Permit Fee Payment ...	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 8 .....	Refunds .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 9 .....	Solid Waste Fee .....			NOT IN SIP.
Section 10 .....	Fee Schedule .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 11 .....	Review of Fees .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 12 .....	Severability .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 13 .....	Appeals .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 14 .....	Effective Date .....	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).

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**EPA APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued**

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
<b>Prevention of Significant Deterioration Supplement to the Arkansas Plan of Implementation for Air Pollution Control</b>				
Section 1 .....	Title .....	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28). See 40 CFR 52.181 for status of Arkansas PSD regulations in Arkansas SIP.
Section 2 .....	Purpose .....	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 3 .....	Definitions .....	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 4 .....	Adoption of Regulations.	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 5 .....	Severability .....	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 6 .....	Effective Date .....	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
<b>Regulations for the Control of Volatile Organic Compounds</b>				
Section 1 .....	Title .....	04/04/79	01/29/80, 45 FR 06569	Ref 52.200(c)(7).
Section 2 .....	Purpose .....	04/04/79	01/29/80, 45 FR 06569	Ref 52.200(c)(7).
Section 3 .....	Definitions .....	04/23/81	10/13/81, 46 FR 50370	Ref 52.200(c)(13).
Section 4 .....	General Provisions .....	04/23/81	10/13/81, 46 FR 50370	Ref 52.200(c)(13).
Section 5 .....	Provisions for Specific Processes.	12/19/79	02/08/83, 48 FR 05722	Ref 52.200(c)(21).
Section 6 .....	Severability .....	04/04/79	01/29/80, 45 FR 06569	Ref 52.200(c)(7).

(d) *EPA-approved State source-specific requirements.*

**EPA-APPROVED ARKANSAS SOURCE-SPECIFIC REQUIREMENTS**

Name of source	Permit No.	State approval/effective date	EPA approval date	Comments
None.				

(e) *EPA-approved nonregulatory provisions and quasi-regulatory measures.*

**EPA APPROVED STATUTES IN THE ARKANSAS SIP**

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
<b>Arkansas Water and Air Pollution Control Act—Part I</b>				
82-1901 .....	Title of Act .....	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a)&(b).
82-1902 .....	Definitions .....	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a)&(b).
82-1903 .....	Pollution Control Commission.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a)&(b).
82-1904 .....	Powers and Duties of Commission.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1905 .....	Persons Operating Disposal System—Furnishing Information and Permitting Examinations and Surveys.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1906 .....	Hearing Before Commission or Member—Appeal Procedure.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1907 .....	Co-operation with Agency of Another State or United States.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1908 .....	Actions Declared Public Nuisance—Permit to Construct, Make Changes in or Operate Disposal System—Submission of Plans.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).

EPA APPROVED STATUTES IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
82-1909 .....	Violation of Act a Misdemeanor—Pollution a Nuisance—Abatement.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
<b>Arkansas Environmental Permit Fees Act (Act 817 of 1983)</b>				
82-1916 thru 82-1921 ..	Permit Fees Act .....	12/16/85	11/12/86, 51 FR 40975	Ref 52.200(c)(24).
<b>Arkansas Water and Air Pollution Control Act—Part II</b>				
82-1931 .....	Air Pollution—State Policy.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1932 .....	Purpose of Act .....	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1933 .....	Definitions .....	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1934 .....	Exemptions .....	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1935 .....	Powers of Commission	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1936 .....	Factors in Exercise of Commission Powers.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1937 .....	Industrial Secrets Confidential—Revealing a Misdemeanor.	11/25/85	08/04/86, 51 FR 27804	Ref 52.200(c)(23).
82-1938 .....	Unlawful Acts .....	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1939 .....	Variance From Regulations.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1940 .....	Application of Water Pollution Provisions.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1941 .....	Political Subdivision Forbidden to Legislate on Air Pollution.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1942 .....	Radiation Control Law not Amended or Repealed—No authority to Commission Over Employer-Employee Relationships.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1943 .....	Private Rights Unchanged.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
<b>Small Business Assistance Program Act (Act 251 of 1993)</b>				
Act 251 .....	SBAP Act .....	02/26/93	03/08/95 60 FR 12691	Ref 52.200(c)(31).

EPA APPROVED CONTROL MEASURES IN THE ARKANSAS SIP

Control measures	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
Air Quality Surveillance Network.	Statewide .....	02/15/77	04/11/79, 44 FR 21645	Ref 52.200(c)(6).
Lead SIP .....	Statewide .....	12/10/79	04/16/82, 47 FR 16330	Ref 52.200(c)(17).
Air Quality Surveillance Data Reporting.	Statewide .....	04/24/80	08/06/81, 46 FR 40006	Ref 52.200(c)(20).
Protection of Visibility in Mandatory Class I Federal Areas.	Statewide .....	06/12/85	02/10/86, 51 FR 04912	Ref 52.200(c)(22).
Part II of the Visibility Protection Plan.	Statewide .....	10/09/87	07/21/88, 53 FR 27517	Ref 52.200(c)(25)
Stack Height Negative Declaration.	Statewide .....	09/12/86	04/10/89, 54 FR 14222	Ref 52.200(c)(26).
Small Business Stationary Source Technical and Environmental Compliance Assistance Program.	Statewide .....	11/06/92	03/08/95, 60 FR 12691	Ref 52.200(c)(31).

[63 FR 56927, Oct. 23, 1998]